

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI AND THOMAS SNYDER,

Plaintiffs,

-against-

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

Case No.: 07 CV 1215 (SJF) (ETB)

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and
in his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY
DEPARTMENT OF CIVIL SERVICE; and ALISON
SANCHEZ, individually and in her official capacity,

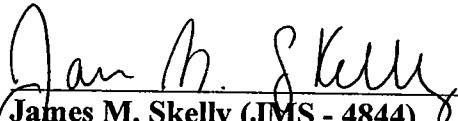
Defendants.

----- X

PLEASE TAKE NOTICE, that upon the attached Declaration of James M. Skelly, Esq., dated October 14, 2009, and the exhibits annexed thereto, Defendant Acting Deputy Police Chief George B. Hesse's Statement Of Undisputed Facts Pursuant To Local Rule 56.1 and Defendant Acting Deputy Police Chief George B. Hesse's Memorandum of Law in Support of his Motion for Summary Judgment, and all prior pleadings and proceedings had herein, Defendant will move this Court, before the Honorable Sandra J. Feuerstein, United States District Judge for the Eastern District of New York, at the United States District Courthouse, located at 290 Federal Plaza, Central Islip, New York on such day when counsel may be heard, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Summary Judgment in favor of Defendants on all claims alleged by Plaintiffs, and for such other and further relief as may be just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that, pursuant to Judge Sandra J. Feuerstein's Individual Practices, opposing papers, if any, must be served on the undersigned no later than sixty days after receipt of this motion.

Dated: Elmsford, New York
October 14, 2009


James M. Skelly (JMS - 4844)
Kevin W. Connolly (KWC - 4450)
Karen M. Lager (KL - 2917)

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**
Attorneys for Defendant
**ACTING DEPUTY POLICE CHIEF
GEORGE B. HESSE, individually and in
his official capacity**
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-3701
File No.: 479.81595

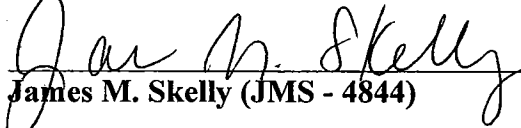
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 14, 2009, a true and correct copy of the foregoing **NOTICE OF MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**, was served by First-Class Mail, Postage Prepaid, upon the following:

Andrew Goodstadt, Esq.
THOMPSON, WIGDOR & GILLY, LLP
Attorneys for Plaintiffs
EDWARD CARTER, FRANK FIORILLO,
KEVIN LAMM, JOSEPH NOFI, and THOMAS SNYDER
85 Fifth Avenue
New York, New York 10003
(212) 239-9292

Kenneth A. Novikoff, Esq.
RIVKIN, RADLER LLP
Attorneys for Defendants
INCORPORATED VILLAGE OF OCEAN BEACH,
MAYOR JOSEPH C. LOEFFLER, JR., individually
and in his official capacity, former mayor
NATALIE K. ROGERS, individually and in her official
capacity and OCEAN BEACH POLICE DEPARTMENT
926 Rexcorp Plaza
Uniondale, New York 11556-0926
(516) 357-3333

Arlene Zwilling, Esq.
COUNTY OF SUFFOLK
County Attorney's Office
Attorneys for Defendants
SUFFOLK COUNTY POLICE DEPARTMENT,
SUFFOLK COUNTY DEPARTMENT OF CIVIL
SERVICE and ALISON SANCHEZ, individually and in her official capacity
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788
(631) 853-4049


James M. Skelly (JMS - 4844)

MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.
Attorneys for Defendant
ACTING DEPUTY POLICE CHIEF
GEORGE B. HESSE, individually and in his
official capacity
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-3701

Index No. CV 07 1215

RJI No.

Hon.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM, JOSEPH NOFI AND THOMAS SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity; former mayor
NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT; ACTING DEPUTY POLICE CHIEF
GEORGE B. HESSE, individually and in his official capacity; SUFFOLK COUNTY; SUFFOLK COUNTY POLICE DEPARTMENT; SUFFOLK
COUNTY DEPARTMENT OF CIVIL SERVICE; and ALISON SANCHEZ, individually and in her official capacity,,

Defendants.

NOTICE OF MOTION FOR SUMMARY JUDGMENT

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Attorneys for Defendant

ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,

individually and in his official capacity

Office and Post Office Address, Telephone

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701

To

Signature (Rule 130-1.1-a)

Print name beneath

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorneys for:

Please take notice

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ **NOTICE OF SETTLEMENT**

that an order
settlement to the HON.

of the within named court, at
on

at

M

of which the within is a true copy will be presented for
one of the judges

Dated,

Yours, etc.

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Office and Post Office Address

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701